

## **REMARKS**

### ***Summary***

The Office Action indicates that the following rejections have been withdrawn:

- 1) the anticipation rejection (of claims 1-4, 12, 13, 24, 27, and 29) based upon Dow;
- 2) the obviousness rejection (of claims 1-6, 12, 13, 18-20, 24, 27, and 29) based upon Dow; and
- 3) the rejections (of claim 1-6, 12, 13, 18-20, 24, 27, and 29) based upon the second paragraph of 35 U.S.C. §112 have been withdrawn.

The Office Action indicates that the following rejections have been maintained:

- 1) the rejection of claim 27 under the first paragraph of 35 U.S.C. §112;
- 2) the anticipation rejection of claims 1 and 3-6 based upon Murry (U.S. 2002/0087005);
- 3) the double patenting rejection of claims 1-6, 12, 13, 18-20, 24, 27, and 29 in view of US 6,669,893; and
- 4) the provisional double patenting rejection of claims 1-6, 12, 13, 18-20, 24, 27, and 29 in view of copending application 10/721,318.

The Office Action indicates the following new rejections have been set forth:

- 1) rejection of claims 1-6, 12, 18, and 27 under the first paragraph of 35 U.S.C. §112; and
- 2) a new rejection of claim 2 under the second paragraph of 35 U.S.C. §112.

### ***Claims***

Upon entry of the amendments, claims 1-6, 12, 13, 18, 24, 27, and 29 will be pending in the application.

### ***Claim Rejections – 35 U.S.C. § 112***

Claims 1-6, 12, 18, and 27 are rejected under the first paragraph of 35 U.S.C. §112. The withdrawal of this rejection is requested because claim 1 has been amended to remove hydrogen from R<sub>5</sub> and R<sub>6</sub>.

Claim 27 is also rejected for further reasons under the first paragraph of 35 U.S.C. § 112.

The Office Action indicates that there is no "...agent, which can treat neurodegenerative disorders generally...because neurodegenerative disorders are extremely varied in origin and nature of effect."

The undersigned has carefully considered the statements set forth in the Office Action regarding neurodegeneration and the alleged lack of enablement of claim 27, but respectfully disagrees with the rejection.

Claim 27 and the specification identify a method of treatment for glucocorticoid receptor-mediated diseases or conditions selected from a particular group of diseases or conditions known to be impacted by glucocorticoid modulation (for example, obesity, diabetes, depression, anxiety and neurodegeneration).

A claim directed to **glucocorticoid receptor-mediated diseases or conditions** does not lack enablement merely because some types of neurodegeneration may have different origins and effects.

One skilled in the art could use the invention set forth in claim 27 without undue experimentation based upon the details set forth in the application (for example, pages 29 and 30) coupled with information known in the art.

Due to the foregoing, the rejection of claim 27 should be withdrawn.

Claim 2 is rejected under the second paragraph of 35 U.S.C. §112. The withdrawal of this rejection is requested because of the amendments to claim 2.

### ***Claim Rejections – 35 U.S.C. § 102***

The Office Action sets forth an anticipation rejection of claims 1 and 3-6 under 35 U.S.C. § 102(e) based upon Murry (U.S. 2002/0087005).

The claims have been amended to obviate the rejection.

### ***Double Patenting***

Claims 1-6, 12, 13, 18-20, 24, 27, and 29 are rejected under the judicially created doctrine of obvious-type double patenting in view of US 6,699,893 filed on February 19, 2002.

It is respectfully asserted that the rejection should be withdrawn. Independent claim 1 has been amended so R<sub>1</sub> is -C≡C-CH<sub>3</sub> or -CH<sub>2</sub>O(C<sub>1</sub>-C<sub>4</sub>)alkyl optionally substituted with -CF<sub>3</sub>. As a result, the claims are asserted as being non-obvious in view of the cited reference.

The provisional double patenting rejection based upon copending Application No. 10/721,318 is noted. However, it is respectfully asserted that the claim amendments obviate any

potential obvious-type double patenting rejection if the co-pending application matures into a patent.

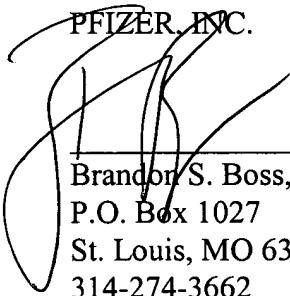
***Conclusion***

In light of the foregoing, Applicants request withdrawal of the claim rejections, and solicit an allowance of the claims. The examiner is invited to contact the undersigned attorney should any issues remain unresolved. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 19-1025. Any overpayment can be credited to Deposit Account No. 19-1025.

Respectfully submitted,

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